IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 25886 of 2006(Y)

PETITIONER:

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1. SULFIKKER ALI, AGED 26, S/O. NABEESA K.,
KUZHIKANDATHIL HOUSE, KOTHACHIRA P.O.,
NAGALASSERY VILLAGE, OTTAPALAM TALUK.

2. SUJATHA .M., W/O. SURESH KUMAR N.P.,
SREENILAYAM, NANDIYAMKODE, KOOTTANAD P.O.,
NAGALLASSERY VILLAGE, PALAKKAD DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:

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1. THE DISTRICT OFFICER, KERALA PUBLIC
SERVICE COMMISSION, CIVIL STATION,
PALAKKAD.

2. THE DEPUTY DIRECTOR OF EDUCATION,
PALLAKKAD, CIVIL STATION, PALAKKAD.

3. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SMT.LAKSHMI RANI
SC FOR KPSAC - SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 25886 of 2006

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Dated this the 11th day of June, 2007.

J U D G M E N T

Petitioners claim that they have been included in the ranked list published by the Kerala Public Service Commission for appointment to the post of HSA (Maths) in Malayalam medium in Palakkad district. Though petitioners had the privilege of getting Exts.P1 and P4 advice memos issued by the Commission way back in January 2006, they were not given any appointment. It was in the above circumstances that petitioners had preferred this writ petition in September 2006 praying for an appropriate direction to the respondents in this regard.

2. In the counter affidavit filed by respondent No.2 it is averred that posting orders had already been issued to 5 candidates from the list of 8 advised by the Commission. It is true that petitioners happened to be 2 of the 3 remaining candidates who are yet to be appointed. There was not even a single vacancy of HSA (Maths) in Palakkad district during the academic year 2006-07. It was noticed that 55 posts of HSA (Maths) were found to be surplus during that academic year. Appointment orders can be issued to the petitioners only after adjusting excess hands in the available vacancies.

3. In the additional counter affidavit filed by respondent No.2, it is further asserted that the 2 vacancies in Vadanamkurissi Govt. High School, which were pointed out by the petitioners are also not available, since they have arisen consequent to promotion of HSAs as HSST by deploying excess hands. It is further

reiterated that even now 50 HSA (Maths) are in excess.

4. Learned Standing counsel for the Commission submits that in view of the present state of affairs referred to above, steps are being taken for withdrawal of advice memo in the light of the request made by the Deputy Director of Education in this regard. As and when advice memos are withdrawn, petitioner would be reverted back to their original position in the ranked list.

In the above facts and circumstances the writ petition is closed with liberty to the petitioners to pursue the remedies available to them in accordance with law. It will be open to the petitioners to approach this Court if their rights are being ignored or overlooked during the pendency of the ranked list.

A.K. Basheer
Judge.

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